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★ JUL 9 2004 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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INGRID L. MARTIN o.b.o. GLENN MARTIN,

Plaintiff, **STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE
DEPARTMENT POLICE OFFICER INGERDONATI,
shield # 7722,

CV 02 2809 (NGG)(JMA)

Defendants.

-----X
WHEREAS, plaintiff Ingrid L. Martin commenced this action on behalf of her son Glenn Martin by filing a complaint on or about May 9, 2002 alleging violations of Glenn Martin's state and federal civil rights; and

WHEREAS, defendants, the City of New York and the New York City Police Department, have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff the sum of EIGHT THOUSAND DOLLARS (\$8,000) in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of this sum, plaintiff agrees to

dismissal of all the claims against the individually named defendant, Police Officer Interdonati¹, individually and in his official capacity, and to release all defendants and The City of New York, and to release any present or former employees or agents of the City of New York, and the New York City Police Department and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including without limitation, a release based on the terms of paragraph "2" above, an Affidavit of No Liens and copies of documents as necessary to comply with paragraph "5" below.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulation of the United States, the State of New York, or the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Settlement of this action is conditioned on compliance with the provisions set forth in Rule 83.2(a) of the Local Civil Rules of this Court ("Settlement of Actions by or on Behalf of Infants or Incompetents, Wrongful Death Actions, and Conscious Pain and Suffering Actions") and Rule 1207 et seq. of the Civil Practice Laws and Rules for the State of New York.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement


¹ In the caption of the complaint, Officer Interdonati is misspelled "Ingerdonati."

entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York


7/17/03

Lawrence E. Wright, Esq.
Attorney for Plaintiff
32 Court Street, Suite 707
Brooklyn, N.Y. 11201
(718) 643-6161

By: 

Lawrence E. Wright, Esq. ()

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street, Room 3-180
New York, N.Y. 10007
(212) 788-1575

By: 

Assistant Corporation Counsel
GENEVIEVE NELSON (GN 5939)

SO ORDERED:

signed/


Nicholas G. Garaufis, U.S.D.J.

7-2-04